

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KEILEE FANT, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 4:15-CV-00253-AGF
)	
THE CITY OF FERGUSON,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant City of Ferguson's motion (ECF No. 175) to stay all proceedings pending interlocutory appeal of this Court's decision denying its motion to dismiss for lack of subject matter jurisdiction based on sovereign immunity (ECF No. 150). Plaintiffs oppose the motion.

The Court has carefully considered the arguments and legal authority presented by the parties. Because Defendant's motion to dismiss asserted a colorable claim to immunity, and the Court cannot say that Defendant's appeal is frivolous, the Court concludes that a stay is appropriate. *See, e.g., Goshtasby v. Bd. of Trs. of Univ. of Illinois*, 123 F.3d 427, 429 (7th Cir. 1997).

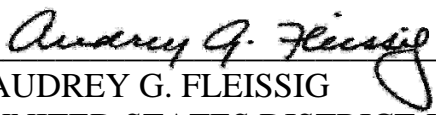
Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to stay all proceedings pending interlocutory appeal is **GRANTED**. ECF No. 154.

IT IS FURTHER ORDERED that, no later than **14 days** after resolution of Defendant's interlocutory appeal, the parties shall file a joint proposed scheduling plan for the remainder of this litigation, which addresses the filing deadline and briefing schedule

for any motion for class certification; the parties' positions concerning the referral of this action to mediation and when such a referral would be most productive; and any other appropriate deadlines and dates in the current Case Management Order, including a proposed trial date.

IT IS FURTHER ORDERED that the case shall be closed, for administrative purposes only, pending a resolution of the interlocutory appeal.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 12th day of March, 2018.